

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SHAWN PATRICK D.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

No. 8:22-CV-01339
(CFH)

Defendant.

APPEARANCES:

Schneider & Palcsik
57 Court Street
Plattsburgh, New York 12901
Attorneys for plaintiff

Social Security Administration
Office of the General Counsel
6401 Security Boulevard
Baltimore, Maryland 21235
Attorneys for defendant

OF COUNSEL:

MARK A. SCHNEIDER, ESQ.

JASON P. PECK, ESQ.

**CHRISTIAN F. HUMMEL
U.S. MAGISTRATE JUDGE**

ORDER¹

Plaintiff Shawn Patrick D.² brings this action pursuant to 42 U.S.C. § 405(g) seeking review of a decision by the Acting Commissioner of the Social Security Administration (“Acting

¹ Parties consented to direct review of this matter by a Magistrate Judge pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73, L.R. 72.2(b), L.R. 72.3(b), and General Order 18. See Dkt. No. 5 Under General order 18, once issue has been joined, an action such as this is considered procedurally as if cross-motions for judgment on the pleadings have been filed pursuant to Rule 12(c) of the Federal Rules of Civil Procedure.

² In accordance with guidance from the Committee on Court Administration and Case Management of the Judicial Conference of the United States, which was adopted by the Northern District of New York in 2018 to better protect personal and medical information of non-governmental parties, this Order will identify plaintiff’s last name by initial only.

Commissioner” or “SSA”) denying his application for supplemental security income. See Dkt. No. 1. Plaintiff moves for a finding of disability, and the Acting Commissioner cross-moves for judgment on the pleadings. See Dkt. Nos. 11, 14.

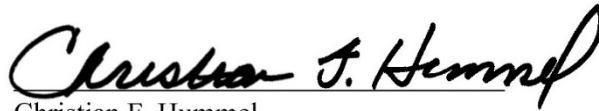
On March 21, 2024, the Court conducted oral argument in connection with these motions. This proceeding was conducted by telephone, in the presence of a court reporter. At the close of oral argument, the Court issued a bench decision in which, after applying the requisite deferential standard of review, the Court held that the Commissioner’s determination resulted from the application of proper legal principals and was supported by substantial evidence. In that decision, the Court provided further detail regarding its reasoning while addressing the specific issues that plaintiff raised in his appeal.

After due deliberation, and based upon the Court’s oral bench decision, the transcript of is annexed to this Order, it is hereby **ORDERED**, that:

- (1) Defendant’s cross-motion for judgment on the pleadings, dkt. no. 14, is
GRANTED;
- (2) Plaintiff’s motion for judgment on the pleadings, dkt. no. 11, is **DENIED**;
- (3) Defendant’s determination that plaintiff was not disabled at the relevant times is
AFFIRMED; and
- (4) The Clerk of the Court is directed to enter judgment dismissing plaintiff’s complaint, dkt. no. 1, in its entirety.

It is SO ORDERED.

Dated: March 22, 2024
Albany, New York


Christian F. Hummel
U.S. Magistrate Judge